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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,443	05/05/2006	Takeshi Shiba	80059(302721)	2800
21874 7590 06/01/2009 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
PATEL, BHARAT C				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
06/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,443

Applicant(s)

SHIBA ET AL.

Examiner

BHARAT C. PATEL

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
4a) Of the above claim(s) 2-4 and 8-10 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 6 and 7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/09 has been entered.

Specification

2. Claim 5 is objected to because of the following informalities: In line 1 of claim 5, "as set forth in claim 5," is believed to be in error for -- as set forth in claim 1, --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Locke 5,185,926 in view of Kobler 2,562,104.

Re claim 1, Locke teaches an electric shaver 20 per Figs. 1-2 comprising: a hand grip 27 configured to be gripped by a user's hand, a blade head 21 provided on an upper end of said hand grip per Figs. 1-2, said blade head carrying at least one shaving

unit 31-33 comprising an outer blade foil 22-24 and an inner blade 50, 53, 56, driven in a shearing engagement manner with said outer blade foil per Figs. 9-12, said outer blade foil 22-24 having a plurality of holes in which hairs are introduced per Figs. 1, 3 and 9 per col. 5, lines 55-68, said outer blade foil being elongated and having a length and being curved along a width direction to form a rounded, generally C-shaped cross section per Figs. 2, 7 and 9. However Locke fails to teach that the outer blade foil being curved convexly and uniformly along its length to have a longitudinal curved outline, wherein a radius of curvature of said longitudinal curved outline is 150 mm to 350, and wherein said generally C-shaped cross section of said outer blade foil has a transverse arc having a uniform radius of curvature straddling an apex of said outer blade foil, the radius of curvature of said transverse arc being in a range of 1.5 mm to 3.5 mm. Kobler teaches that the outer blade foil 1-3 per Fig. 1 being curved convexly and uniformly along its length to have a longitudinal curved outline per Fig. 1, wherein a radius of curvature of said longitudinal curved outline is 150 mm to 350 per col. 3, lines 3-10, and wherein said generally C-shaped cross section of said outer blade foil has a transverse arc, per Fig. 1 and 3, having a uniform radius of curvature straddling an apex of said outer blade foil. However, Kobler fails to teach specifically that the radius of curvature of said transverse arc being in a range of 1.5 mm to 3.5 mm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the transverse arc radius in a range of 1.5 mm to 3.5 mm for the purpose of increasing the shaving efficiency in a narrow areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum

or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Aller*, 105 USPQ 233 (CCPA 1955).

It would have been obvious to one having ordinary skill in the art at the time of invention to provide Locke's cutting head with a transverse arc shape outer blade foil, as taught by Kobler (col. 1, lines 23-35), in order to stretch the skin by the curvature of the cutting surface for a better and cleaner shave, and to allow the cutting head to cleanly shave the concave parts of the skin.

Re claim 6, Locke teaches that the blade head 25 has a shape having a longitudinal axis across the length of foil members 22, 23 and 24, and a transverse axis across the width of the foil members 22, 23, 24, perpendicular to each other, said blade head 25 carrying two said shaving units 22 & 50, 23 & 55, each of which is elongated along the longitudinal axis of said blade head 25 said two shaving units being disposed at opposite ends of said blade head along said transverse axis in a spaced relation to each other per Figs. 1-9. It should be noted that Locke teaches at least two shaving units.

Re claim 7, Locke teaches that generally C-shaped cross section of said outer blade foil 22, 23, has a transverse arc having a uniform radius of curvature straddling an apex of said outer blade foil, said two shaving units made up of 22 & 50 and 23 & 55, being separated from each other at a distance of 0.5 to 2 times the radius of curvature of said transverse arc, said distance being a distance between the apexes of said outer blade foils of said two shaving units per Figs. 7 & 9. It should be noted that the two

shaving units by Locke are placed next to each other per Figs. 2 or 7, that means the distance of separation between two adjacent cutting units are twice the radius of curvature of traverse arc.

Response to Arguments

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BHARAT C. PATEL whose telephone number is (571)270-3078. The examiner can normally be reached on Monday-Friday, alt. Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 24502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharat C Patel/
Examiner, Art Unit 3724
May 27, 2009.

/Ghassem Alie/
Primary Examiner, Art Unit 3724